

REMARKS

This paper is submitted in response to the non-final Office Action mailed April 1, 2008 and is accompanied by a petition for a three-month extension of time. The appropriate extension fee has been paid by credit card.

By the foregoing, claims 1-5 are currently amended, and claims 6-8 are cancelled. Support for the amendments to claim 1 can be found in paragraph [0013] of the specification, and in previously pending claims 6-8, for example. Therefore, no new matter has been added.

CLAIM OBJECTIONS

Claims 4 and 5 stand objected to for lacking antecedent basis for the phrases “the drop chute” and “the outside walls of the frame,” each of which appear in claim 4. Claim 4 is amended herein to depend from claim 2, which provides antecedent basis for “the drop chute.” Claim 4 is also amended herein to replace the phrase “the outside walls of the frame” with the phrase “outside walls of the frame,” thereby removing the antecedent basis concern set forth in the Office Action.

Reconsideration and withdrawal of these objections is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1-6 and 8 stand rejected under 35 U.S.C. §102(b) as anticipated by Dunn (U.S. Patent No. 6,263,887). Additionally, claims 1 and 7 stand rejected under 35 U.S.C. §102(b) as anticipated by Goettel (U.S. Patent No. 4,744,379).

Claim 1 has been amended herein to recite the language of previously pending claims 6, 7, and 8. Specifically, claim 1 is amended to recite a container inspection machine, comprising, in part, a table top, at least one collecting opening formed in the table top, a treatment device of an inspection device, and a linear conveyor. The treatment device and the linear conveyor are defined as being arranged above the collecting opening. So configured, the claimed machine provides for the targeted removal of liquid residues, container fragments, and/or other foreign bodies through the collecting opening. As described in paragraph [0011] of the Substitute Specification submitted with Applicant’s Preliminary Amendment dated February 6, 2006, this design advantageously directs the foreign bodies to the underside of the machine where they do not interfere with the

movement of operators in close proximity to the machine, and where they can be easily removed during a cleaning operation.

Neither Dun nor Goettel disclose or suggest the combination of features recited in amended claim 1, either alone or in combination.

The Dunn Reference

Dunn is directed to a “waste disposal and canister flushing machine” for medical waste containers. Generally, the machine disclosed by Dunn includes a cabinet 312 defining a sink 320 with a drain 324 adapted to be coupled to a plumbing/drainage system. *See*, column 3, lines 39-52. The machine further includes a pair of buckets 330, 332 for holding medical waste canisters to be cleaned. When the cleaning process is complete, the buckets 330, 332 are turned upside down such that the cleaning solution and medical waste can be drained into the sink 320 and down the drain 324.

As such, Dunn does not disclose or suggest (1) a “container inspection device” or (2) a “linear conveyor,” as recited in amended claim 1.

The Goettel Reference

Goettel discloses a washing apparatus including a cabinet 11 and a mobile carrier or trolley 20. The trolley 20 is adapted to be moved around an automotive repair shop, for example, to collect automotive parts or tools. *See*, column 3, line 56 to column 4, line 13. The trolley 20 can then be pushed back to the cabinet 11 such that the parts or tools can be loaded therein and washed. As shown in Fig. 2, the trolley 20 includes a drain pan 27 and a track 22. The track 22 supports a basket 23 for carrying parts and/or tools to be cleaned. The drain pan 27 defines an opening 28 for capturing fluid or other material that may fall off of the parts or tools during transport. It is noted that neither the drain pan 27, nor the opening 28, are parts of the machine, i.e., the cabinet 11, that performs the actual washing operation.

As such, Goettel does not disclose or suggest (1) a “container inspection machine,” or (2) a “linear conveyor...arranged above [a] collecting opening,” as recited in amended claim 1 of the present application.

Rather, Goettel is merely directed to a washing machine, and no aspect of the machine performs an inspection-type operation. In the Office Action, the examiner equates element 22 of the trolley 20 of Goettel to the “linear conveyor” recited in previously pending claim 7,

and now amended claim 1 of the present application. Element 22 is described by Goettel as constituting a “track,” which Applicant respectfully asserts is not a “conveyor.” Rather, Goettel generally describes the entire trolley 20 as constituting a “conveyor system.” Therefore, it seems that the examiner is attempting to equate just the upper portion, i.e., the track 22, of the trolley 20 to the “linear conveyor” recited in the claims. This interpretation enables the examiner to conclude that the “linear conveyor (22) [of Goettel is] arranged above the collecting opening . . . ,” as recited in the claims. *See*, Office Action, page 5, line 3.

This interpretation of Goettel, however, is completely implausible. As mentioned, Goettel defines the entire trolley 20 as the “conveyor system.” The collecting opening 28 is part of that conveyor system. As such, the conveyor system cannot be interpreted as being arranged above the collecting opening, because the opening 28 itself is part of the conveyor system. The examiner is not free to interpret a reference against the express teachings thereof and, therefore, it is improper for the examiner to interpret just *a portion* of the trolley as the “linear conveyor.”

Additionally, as mentioned, the track 22 of Goettel, alone, is not a “conveyor.” The track 22 is nothing more than a rigid frame-like member adapted to receive and support a tray or a basket 23 for receiving tools or parts to be cleaned. *See*, column 3, lines 46-55 of Goettel. A person having ordinary skill in the art would understand the “conveyor” recited in claim 1 to constitute a mechanism for moving articles with moving belts, for example. This is supported by the specification, which describes one example of the claimed linear conveyor as “consisting of two conveyor belts with a pair of belts (not shown) forming a bridge” *See*, paragraph [0012] of the Substitute Specification. This is further supported by the Merriam-Webster Online Dictionary, which defines the term “conveyor” as “a mechanical apparatus for moving articles or bulk material from place to place (as by an endless moving belt or a chain of receptacles).” A copy of the internet printout of this definition is attached hereto as **Exhibit A**.

The track 22 is not a mechanism for moving articles, and certainly does not include a movable belt or chain. Goettel even refers to the track 22 as constituting “rails” 21, 22 (*see*, column 4, lines 40-53, for example), which a person having ordinary skill in the art would not possibly equate to a “conveyor.”

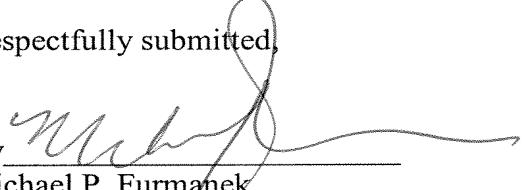
Accordingly, because neither Dunn nor Goettel disclose each and every feature recited in amended claim 1, reconsideration and withdrawal of the anticipation rejections is respectfully requested.

In addition to the foregoing, Applicant submits that no *prima facie* case of obviousness can be based, even in part, on Dunn or Goettel because there is no suggestion to modify the teachings of these references to arrive at the claimed invention. For example, any *prima facie* case of obviousness based on Dunn or Goettel would be improper because each constitutes non-analogous art. Applicant's invention occupies the field of container inspection machines and, more particularly, machines for inspecting empty, freshly cleaned, returnable bottles. *See*, paragraph [0010] of the Substitute Specification. In contrast, Dunn and Goettel are both primarily concerned with machines for cleaning/washing articles. Dunn cleans medical waste containers, and Goettel cleans automobile parts or tools. Machines for cleaning are clearly outside of Applicant's field of machines for inspecting containers.

Therefore, Applicant believes that each of the pending claims are in condition for allowance, and kindly requests the examiner to acknowledge the same. If there are any issues that the examiner believes may be remedied by telephone conference, please feel free to contact the undersigned at (312) 474-6300.

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Respectfully submitted,

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